

Prepared by and return to:
Lauren M. Donalson, Esq.
Peterson & Myers, P.A.
P.O. Drawer 7608
Winter Haven, FL 33883-7608

SECOND AMENDMENT TO MASTER DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR VIENNA SQUARE

This Second Amendment to the Master Declaration of Covenants, Conditions and Restrictions for Vienna Square ("Second Amendment") is made effective this 15th day of December, 2021, by Baytree Investments, LLC, a Florida limited liability company ("Declarant").

RECITALS:

WHEREAS, Declarant is the declarant and successor developer of the Community and the Villas¹. Baytree Partners, LLC, a Florida limited liability company was the initial developer and declarant of the Community and the Villas ("Initial Developer"). By way of that certain Assignment and Assumption of Membership Interest and Voting Rights, dated December 15, 2021, Initial Developer assigned to Declarant and Declarant assumed all of Initial Developer's membership and voting rights in the Association and the Villas Association.

WHEREAS, Initial Developer recorded a Master Declaration of Covenants, Conditions and Restrictions for Vienna Square, in Official Records Book 7080, Page 2010, Public Records of Polk County, Florida, as amended by that First Amendment to Master Declaration of Covenants, Conditions and Restrictions for Vienna Square recorded in Official Records Book 7363, Page 378, Public Records of Polk County, Florida (the "Declaration"); and,

WHEREAS, Section 15.10 of the Declaration provides in pertinent part that the Declarant may, in its sole discretion, by an instrument filed of record in the County, unilaterally modify, enlarge, amend, waive or add to the covenants, conditions, restrictions and other provisions of the Declaration, and any recorded exhibit; and,

WHEREAS, Section 13.5 of the Declaration provides in pertinent part that the Declarant has the sole, exclusive and absolute right and power to record instruments bringing additional lands into the Community and the Villas; and,

¹ Initially capitalized terms herein shall have the meanings ascribed to them in the Declaration, unless otherwise defined herein.

WHEREAS, Declarant desires to amend the Declaration for the purpose of adding real property to the Villas Lands.

NOW THEREFORE, Declarant amends the Declaration as follows:

1. The foregoing recitals are true and correct and by this reference incorporated into the body of this Second Amendment.

2. Exhibit "B" to the Declaration is amended to add to the Villas Lands the real property described on Exhibit "A" attached hereto and incorporated herein by reference.

3. Except as expressly amended and modified herein, the Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, Baytree Investments, LLC, a Florida limited liability company, hereby executes this Second Amendment to Master Declaration of Covenants, Conditions and Restrictions for Vienna Square effective as of the day and year first set forth above.

Witnesses:

Dewanna Moore
Name: Dewanna Moore

Tommi Jones
Name: Tommi Jones

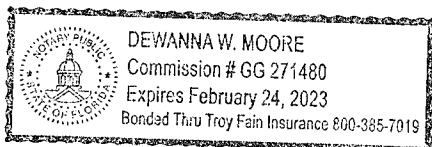
Baytree Investments, LLC, a Florida limited liability company

By: Austin P. Schreiber
Austin P. Schreiber, Authorized Member

STATE OF FLORIDA
COUNTY OF POLK

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this December 15, 2021, by Austin P. Schreiber, Authorized Member of Baytree Investments, LLC, a Florida limited liability company, who is personally known to me or has produced _____ as identification.

[Notary Seal]



Dewanna W. Moore
Notary Public

Dewanna W. Moore
Name typed, printed or stamped
My Commission Expires: 2-24-2023

Exhibit "A"

THAT PART OF LOT 7 AND 8 FLORIDA HIGHLAND COMPANY SUBDIVISION AS RECORDED IN PLAT BOOK 3, PAGE 27, LYING WEST OF VIENNA SQUARE PHASE 2A AS RECORDED IN PLAT BOOK 152, PAGES 35 & 36, AND LYING WEST OF VIENNA SQUARE PHASE 2B AS RECORDED IN PLAT BOOK 158, PAGES 42 & 43, AND LYING WEST OF VIENNA SQUARE PHASE 2C AS RECORDED IN PLAT BOOK 168, PAGES 8 & 9, ALL OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF LOT 191 OF SAID VIENNA SQUARE PHASE 2C AND RUN THENCE ALONG THE WEST BOUNDARY OF SAID LOT 191, N00° 15'50"W A DISTANCE OF 112.46 FEET TO THE SOUTH RIGHT OF WAY LINE OF LINZ COURT OF SAID VIENNA SQUARE PHASE 2A; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE S89°44'10"W A DISTANCE OF 15.00 FEET; THENCE ALONG THE WESTERN BOUNDARY OF SAID LINZ COURT N00°15'50"W A DISTANCE OF 40.00 FEET TO THE SOUTHWEST CORNER OF LOT 174 OF SAID VIENNA SQUARE PHASE 2B; RUN THENCE ALONG THE WESTERN BOUNDARY OF LOTS 174 – 176 OF SAID VIENNA SQUARE PHASE 2B, N00°15'50"W A DISTANCE OF 100.00 FEET TO THE SOUTH BOUNDARY OF TRACT 11 OF SAID VIENNA SQUARE PHASE 2A; THENCE ALONG SAID SOUTH BOUNDARY OF TRACT 11, S89°44'10"W A DISTANCE OF 199.30 FEET; CONTINUE THENCE ALONG THE WEST BOUNDARY OF SAID TRACT 11, N00°12'33"W A DISTANCE OF 101.16 FEET; THENCE S89°44'10"W A DISTANCE OF 565.80 FEET; THENCE S00°15'50"E A DISTANCE OF 351.92 FEET TO THE SOUTH LINE OF THE SOUTHWEST ¼ OF SECTION 26, TOWNSHIP 28 SOUTH, RANGE 26 EAST, POLK COUNTY, FLORIDA; THENCE ALONG SAID SOUTH LINE OF THE SOUTHWEST ¼, N89°51'41"E A DISTANCE OF 780.00 FEET TO THE POINT OF BEGINNING.